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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,693	06/19/2001	Dulcie Elizabeth Papsco	PAPSCO	4028

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EXAMINER
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OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/884,693	PAPSCO, DULCIE ELIZABETH	
	Examiner	Art Unit	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Status of Claims*

1. This communication is responsive to the amendment filed on January 20, 2005. Claims 1-37 are pending. The rejections cited are as stated below.

### *Claim Objections*

2. Claims 1 and 20 objected to because of the following informalities:  
Change "©)" to "(c)". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai et al (US Patent No 6,368,177) in view of Brelis et al (US Patent 6,544,040).**

5. In reference to claim 1, Gabai teaches a selective audio database and system, comprising:  
means for providing access to a common carrier, said common carrier adapted to transmit file audio signals from a first location to a second location (column 50 lines 4-7 & 13-16, column 80 lines 12-30 and column 81 lines 45-50);

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a server connected to said common carrier at said first location (column 49 line 65 – column 50 line 15, column 81 lines 39-42 and column 82 lines 50-60);

a database connected to said server, said data base comprising said file of audio signals (column 13 lines 23-30, column 80 lines 22-30 and column 81 line 60 – column 82 line 5, the server would inherently contain a database for storing the verbal and speech content);

means for transmitting said file of audio signals through said common carrier a user disposed at said second location (column 80 lines 17-25 and column 90 lines 15-25);

means for receiving said file of audio signals at said second location (column 80 lines 17-25 and column 83 lines 12-15); and

a transceiver at said second location adapted to transmit said file of audio signals to a third location (column 12 lines 13-16 & 40-45, column 13 lines 12-30, column 14 lines 39-41, column 82 lines 50-60 and column 90 lines 15-25).

Gabai teaches downloading verbal/speech content (files of audio signals) from a server, where some content can consist of motivational content (column 13 lines 23-30, column 80 lines 22-30 and column 81 line 60 – column 82 line 5). Although, Gabai fails to explicitly teach wherein the audio files are narratives; “Official notice” is taken that it is well known in the art that audio files of verbal/speech content can comprise music, narratives, motivational or other types of speeches, educational lessons, or any other type of content that involves human speech. Furthermore, Brelis teaches presenting an audio narrative via a server for the purpose of providing storytelling over a network (column 1 lines 10-20, column 3 lines 35-50 and column 4 lines 20-55).

It would have been obvious for one of ordinary skill in the art to modify Gabai by making the verbal/speech content consist of narrative audio files as per the teachings of Brelis for the purpose of providing storytelling over a network.

6. In reference to claim 2, Gabai teaches the selective narrative data base and system of claim 1 wherein said common carrier comprises a telephone line. (column 77 lines 43-46 and column 83 lines 12-17).

7. In reference to claim 3, Gabai teaches the selective narrative data base and system of claim 1 wherein said common carrier comprises an Internet. (column 77 lines 43-46 and column 82 lines 50-60).

8. In reference to claims 4 and 5, Gabai the selective narrative data base and system claim 1 wherein said data base comprises a plurality of said files; each of said plurality of files further comprising a compilation of audio signals that provide a different encoded narrative; and wherein the file comprises a short story (column 1 lines 10-30, column 2 line 35 – column 3 line 35, column 21 line 54 – column 22 line 30 and column 4 lines 30-65).

9. In reference to claim 17, Gabai teaches the selective narrative database of claim 1, wherein said third location comprises means for receiving said transmitted file of audio signals from transceiver and including means for converting said transmitted into a format adapted for listening to said narrative (column 12 lines 13-16 & 30-50, column 13 lines 12-30, column 14 lines 39-41, column 82 lines 50-60 and column 90 lines 15-25).

10. In reference to claim 18, Gabai teaches the selective narrative database of claim 17, wherein said third location is disposed in a figurine (column 2 lines 1-35, column 12 lines 30-50, column 13 lines 10-30 and column 14 lines 14-50).

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11. In reference to claim 19, wherein said figurine is a stuffed figurine (column 12 lines 30-50 and column 14 lines 14-50).

12. In reference to claim 20, Gabai teaches a method of providing a selective audio database and system, comprising:

providing access over a common carrier (column 50 lines 4-7 & 13-16, column 80 lines 12-30 and column 81 lines 45-50);

providing a server connected to said common carrier (column 49 line 65 – column 50 line 15, column 81 lines 39-42 and column 82 lines 50-60);

providing a database connected to said server, said data base comprising files of audio signals (column 13 lines 23-30, column 80 lines 22-30 and column 81 line 60 – column 82 line 5, the server would inherently contain a database for storing the verbal and speech content);

providing means for selecting and transmitting a particular file of audio signals through said common carrier to a user (column 80 lines 17-25 and column 90 lines 15-25);

Gabai teaches downloading verbal/speech content (files of audio signals) from a server, where some content can consist of motivational content (column 13 lines 23-30, column 80 lines 22-30 and column 81 line 60 – column 82 line 5). Although, Gabai fails to explicitly teach wherein the audio files are narratives; “Official notice” is taken that it is well known in the art that audio files of verbal/speech content can comprise music, narratives, motivational or other types of speeches, educational lessons, or any other type of content that involves human speech. Furthermore, Brelis teaches a user selecting an audio narrative, from a plurality of narrative selections located on a server, for the purpose of providing storytelling over a network (column 1 lines 10-20, column 3 lines 35-50 and column 4 lines 20-55).

It would have been obvious for one of ordinary skill in the art to modify Gabai by making a user selecting an audio narrative, from a plurality of narrative selections located on a server, as per the teachings of Brelis for the purpose of providing storytelling over a network.

13. In reference to claim 21, Gabai teaches the method of selective narrative data base and system of claim 20 wherein said common carrier comprises a telephone line. (column 77 lines 43-46 and column 83 lines 12-17).

14. In reference to claim 22, Gabai teaches the method of selective narrative data base and system of claim 20 wherein said common carrier comprises an Internet. (column 77 lines 43-46 and column 82 lines 50-60).

15. In reference to claims 23 and 24, Gabai teaches the method of a selective narrative data base and system claim 20 wherein said data base comprises a plurality of said files, each of said plurality of files further comprising a compilation of audio signals that provide a different encoded narrative; and wherein the file comprises a short story (column 1 lines 10-30, column 2 line 35 – column 3 line 35, column 21 line 54 – column 22 line 30 and column 4 lines 30-65).

16. In reference to claim 25, Gabai teaches the method of selective narrative data base and system of claim 20, further comprising means for transmitting said file of audio signals through said common carrier a user disposed at said second location (column 80 lines 17-25 and column 90 lines 15-25).

17. In reference to claim 34, Gabai teaches the method of selective narrative data base and system of claim 20, further comprising means for receiving said file of audio signals at said second location (column 80 lines 17-25 and column 83 lines 12-15).

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18. In reference to claim 35, Gabai teaches the method of selective narrative data base and system of claim 34, further comprising a step of providing a transceiver at said second location adapted to transmit said file of audio signals to a third location (column 12 lines 13-16 & 40-45, column 13 lines 12-30, column 14 lines 39-41, column 82 lines 50-60 and column 90 lines 15-25).

19. In reference to claim 36, Gabai teaches the selective narrative database of claim 35, wherein said third location comprises means for receiving said transmitted file of audio signals from transceiver and including means for converting said transmitted into a format adapted for listening to said narrative (column 12 lines 13-16 & 30-50, column 13 lines 12-30, column 14 lines 39-41, column 82 lines 50-60 and column 90 lines 15-25).

20. In reference to claim 37, Gabai teaches the selective narrative database of claim 36, wherein said third location is disposed in a figurine (column 2 lines 1-35, column 12 lines 30-50, column 13 lines 10-30 and column 14 lines 14-50).

21. In reference to claim 38, wherein said figurine is a stuffed figurine (column 12 lines 30-50 and column 14 lines 14-50).

**22. Claims 6 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai et al (US Patent No 6,368,177) in view of Brelis et al (US Patent 6,544,040) in further view of Drosset et al (US Patent No 6,662,231).**

23. In reference to claims 6 and 26, Gabai teaches the selective narrative data base and system claims 1 and 25, including streaming audio in real-time (column 83 lines 60-67). Gabai fails to explicitly teach wherein said means transmitting said file of audio signals through said



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common carrier to a user disposed said second location comprises means for providing said user with said file in real-time. However, Drosset teaches transmitting said file of audio signals through said common carrier to a user disposed said second location comprises means for providing said user with said file in real-time (Abstract, column 2 lines 40-50 and column 5 line 50 – column 6 line 10).

It would have been obvious for one of ordinary skill in the art to modify Gabai by transmitting said file of audio signals through said common carrier to a user disposed at said second location as per the teaching of Drosset for the purpose of providing the user with real-time audio.

24. In reference to claims 8 and 28, Gabai teaches the selective narrative data base and system of claims 1 and 20. Gabai fails to explicitly teach comprising means for subscribing wherein authorization to obtain is denied said user until said user has complied with means for subscribing. However, Drosset teaches subscribing to an audio service that consists of authorization, for the purpose of providing audio over the Internet (column 3 lines 45-67).

It would have been obvious for one of ordinary skill in the art to modify Gabai by providing means for subscribing wherein authorization to obtain is denied said user until said user has complied with means for subscribing as per the teachings of Drosset for the purpose of providing audio over the Internet.

25. **Claims 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai et al (US Patent No 6,368,177) in view of Brelis et al (US Patent 6,544,040) in further view of Gabai et al (US Patent No 6,773,344).**

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26. In reference to claims 7 and 27, Gabai teaches the selective narrative data base and system claim 1 and 25. Gabai fails to explicitly teach wherein said means transmitting said file of audio signals through said common carrier to a user disposed said second location comprises a means for providing said user with said file in a compressed format that requires less time than is required to listen to said narrative. "Official notice" is taken that audio compression, using for example MP3 compression, is well known in the art as mentioned by Gabai'344 (column 3 line 63 – column 4 line 5).

It would have been obvious for one of ordinary skill in the art to modify Gabai by compressing the audio as per the teachings of Gabai'344 in order to facilitate downloading of audio over the Internet.

**27. Claims 9,10,29 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai et al (US Patent No 6,368,177) in view of Brelis et al (US Patent 6,544,040) in further view of Schiller et al. (US Patent No 6,442,573).**

Gabai teaches the selective narrative data base and system of claims 8 and 28, which includes user subscriptions. It is well known in the art that subscription periods can be based on various time periods. Gabai fails to explicitly teach wherein said means of subscribing includes a monthly subscription and includes a subscription interval that is other than monthly. However, Schiller teaches providing files to subscribers based on daily, weekly or monthly subscriptions. (Summary and column 22 lines 55-67)

It would have been obvious for one of ordinary skill in the art to modify Gabai by making the subscription periods either weekly or monthly as per the teachings of Schiller so that users can have limited access based on their subscription.

**28. Claims 11-13 and 31-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai et al (US Patent No 6,368,177) in view of Brelis et al (US Patent 6,544,040) in further view of Peterson et al. (US Patent No 5,825,876).**

Gabai teaches the selective narrative data base and system of claims 8 and 28, which includes user subscriptions. Various forms of payment options are well-known in the art. Gabai fails to explicitly teach wherein said means for subscribing includes paying each access to said system; includes means for paying the amount time said access to said system is provided; and includes providing access via a telephone number that includes a charge that is made for each unit of elapsed time and wherein the elapsed time accrues whenever said user is connected to said server. However, Peterson teaches pay-per-access, pay-per-time and pay-per-elapsed-time. (Abstract and Summary)

It would have been obvious for one of ordinary skill in the art to modify Gabai by making the subscription payment options include pay-per-access, pay-per-time and pay-per-elapsed-time as per the teachings of Peterson so that users can select their subscription based on their needs.

***Response to Amendment***

29. The examiner acknowledges the amendment filed on 1/20/2005, where applicant amended claims 1-13, 17 and 18, cancelled claims 14-16, and added new claims 21-38.

***Response to Arguments***

30. Applicant's arguments with respect to newly added claims 1-38 have been considered. A response to the remarks will not be given because they are moot in view of the new ground(s) of rejection.

***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No. US006415439B1, Randell et al., teaches wireless communication between a computer and a toy.

Patent No. US006773344B1, Gabai et al., teaches interactive toys connected to an interactive server via the internet.

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
April 26, 2005

  
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